

blade and slashed his wrists in a suicide attempt.

The pilot made the appropriate judgment. There were two MTs on board. They saved his life. Actually, it probably was not life threatening. We diverted to Nashville. We made a flight change in response to a problem.

Now this administration has to make a change in the flight plan about who and how FEMA is being run. It is a disaster in itself. We need a flight change, and this is not a matter of accountability. There are more hurricanes on the way.

FEMA's job in this disaster is not done. We do not have confidence in the people and the organization in the FEMA cockpit. It could crash again. This President needs to change FEMA, and we should be doing it in this debate today.

□ 1015

#### VENEZUELA GASOLINE SHIPMENTS

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, I have been and continue to be gravely concerned with Venezuela President Hugo Chavez's march against freedom. But I appreciate that Hugo Chavez acted appropriately in a time of crisis when he recently offered to provide the U.S. Government with a supply of needed oil and gasoline in the wake of the devastation caused by Hurricane Katrina.

This morning's Washington Post includes a story which outlines that Chavez plans to ship 1 million barrels of gasoline in addition to its scheduled shipment of 1.2 million barrels to the United States in the coming month. While this may help alleviate consumers' concerns at the pump, we must all recognize that when we purchase Hugo Chavez's gasoline, we will be lining the pockets of a staunch enemy of freedom.

The United States welcomes efforts to help stem our temporary gasoline and oil shortage, but Hugo Chavez must understand that we will not yield an inch in our demand for freedom in Venezuela and around the world.

#### PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

*Resolved*, That it shall be in order at any time on the legislative day of Thursday, September 8, 2005, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on

the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 426 provides that suspensions will be in order at any time on the legislative day of Thursday, September 8, 2005. This resolution will allow the House to consider and debate legislation to address the needs of the hurricane-ravaged areas of the Gulf Coast in our country, such as increased borrowing authority for the National Flood Insurance program, the Student Grant Hurricane and Disaster Relief Act, the Temporary Assistance for Needy Families Emergency Response and Recovery Act, and a supplemental emergency appropriations bill.

Mr. Speaker, my community in South Florida was very fortunate that we did not have to bear the full brunt of this latest hurricane, Hurricane Katrina. Over a million of us in South Florida lost electricity. Many homes and businesses were flooded and some structural damage was caused to homes and businesses, but we did not bear the full brunt, the full fury of this latest hurricane, Katrina.

We in South Florida were very fortunate as well to receive generous aid from fellow Americans in the wake of Hurricane Andrew in 1992. As a Hurricane Andrew survivor, I have an idea of the trials and tribulations that face hurricane survivors. I am also very much aware that assistance from the Federal Government is essential for a comprehensive and robust recovery effort.

With that said, I wish to make clear to our friends in the Gulf Coast that we will continue to mobilize nationwide in response to this tragedy, we will remain steadfast in our commitment to the recovery effort, and we will not walk away from our obligations to our fellow Americans. Just as we did after Hurricane Andrew, Mr. Speaker, together it is that we will rebuild and together it is that we will recover.

In response to this terrible disaster, the majority leadership of this House has set out a plan to continue helping the victims of this terrible catastrophe. Last week, the House of Representatives passed emergency funding totaling \$10.5 billion to provide urgently needed relief to the victims of Hurricane Katrina. Congress needs to do more for the victims of this catas-

trophe, and we will. We will consider, I am certain, other supplemental bills, and they will provide additional billions for recovery and rebuilding efforts in the Gulf Coast.

The American people have demonstrated their resiliency before and will do so again. We will continue to work to comfort those who suffer. Rescue workers are at this moment lined up across this great Nation to support the recovery effort that is under way, and volunteers from every corner of America are ready to support those efforts. Our prayers continue to go out to the victims, to their families and to all the valiant rescue workers. The spirit of community, of generosity and good will across the country gives me confidence that Louisiana, Mississippi and Alabama will recover from this tragedy, and they will be better than ever before.

House Resolution 426, Mr. Speaker, is a necessary rule for our efforts to assist the victims of Hurricane Katrina. I would like to say a special word of thanks to the Speaker, to the majority leader, to the chairman of the Appropriations Committee and to the minority leadership for their swift action on this issue as was begun to be demonstrated last week. I urge my colleagues, Mr. Speaker, to support both the rule and support the emergency legislation that is authorized under this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the vitally important bill before us today will help to begin the process of rebuilding one of our Nation's greatest regions and the lives of the people within it. It comes to us in the wake of what was last week nothing short of a catastrophic failure of responsible and competent governance. And not surprisingly, the way in which we are going about passing this bill is itself a tremendous failure, the most recent in a seemingly endless line.

It is a failure, Mr. Speaker, because almost no time has been provided for discussion of this bill and because no amendments have been permitted to be introduced. This body is about to spend more than \$50 billion and all the minority wants is to spend it wisely. All we want is to give the Members a chance to know where the appropriations are going and to actually give Representatives from the affected States a chance to make suggestions to the legislation before it becomes law. We want to ensure that that this body will address as quickly as possible the tremendous errors which have been made by our Federal Government in its response to Hurricane Katrina.

Last night in the Rules Committee we implored the majority to allow even a mere 2 hours of debate and to allow Members to offer amendments which would make this a better, more effective bill. Their response? Sorry, America, we don't have time for that. We don't have time? After 5 weeks of recess in the Chamber, 40 minutes is all the time the United States Congress has to give? It took our government 5 days to even respond to the crisis, and we cannot give more than 40 minutes here today to craft a bill that will provide relief and help rebuild an entire region of our country? We tried to break through, but they simply would not hear us.

They would not hear us because they do not want to be challenged or blamed or to deal with alternative solutions. It simply wants us to accept its leadership, once again quietly and without comment. But what the American people want is reform. They want change. They want us to work hard here in the House and try to fix this mess. And so we will not keep quiet because our Nation is demanding that we speak out.

This government failed the people of Louisiana and Mississippi and Alabama. This government, one so willing to tell other nations and peoples how they should live their lives and organize their states, has revealed itself to be unable to save the lives of its own citizens and to protect its own States when they are in need. Indeed, that neglect has cost lives. It was unable to meet its most basic responsibility and the ultimate reason for its very existence, the defense of life within its own borders.

It is obvious that the current administration and departments in its care did not have a plan sufficient to handle the kind of crisis they were confronted with. Disturbingly, however, they were armed with a plan to shift blame away from themselves. And so a few days ago, Homeland Security Director Michael Chertoff tried to blame local government officials for what had happened. Such an argument is embarrassing and shameful because this Federal Government has not been adequately supporting those State and local officials in the years that led up to last week, and it did not give them what they needed after the hurricane struck. Instead, it neglected them and then kicked them when they were down.

This kind of situation is exactly why FEMA exists. That is why it is called Federal emergency management. That is exactly why it was part of the Homeland Security Department. The \$90 billion that has been spent on the Homeland Security agency has left us more vulnerable than ever. If there is an American that feels safer after the expenditure of that \$90 billion, I would like to meet them. Do they feel safer? Absolutely not.

There was a tremendous outpouring of help coming from locations around America and the world during the first

days of this crisis, but FEMA and Homeland Security were unable to use it constructively. One thousand firefighters sent from Utah and nearby areas were asked to do community relations work, handing out leaflets, instead of putting out blazes and rescuing children. Aid and rescue technology offered by more than 90 countries has often been unable to penetrate FEMA's bureaucracy and has yet to be used. Wal-Mart sent three trailer trucks of water to New Orleans early last week but were turned back by FEMA officials. They said they did not need it. To people who had no water.

FEMA would not let a nearby Coast Guard ship distribute 1,000 gallons of fuel to people on land. And while that particular ship was able to take on patients and treat them and give them medical care, they were awaiting the orders that never came. FEMA cut the emergency communication lines that authorities in Jefferson Parish were using, for who knows what reason. The president of Jefferson Parish had the sheriff's department replace those lines and put them under armed guards to protect them from FEMA.

Mr. Speaker, this is just the tip of the iceberg. The tales of failure go on and on and on. Failure before Katrina, failure during Katrina and failure after Katrina.

Ours is a government which has spent much of the last 4 years focused on national security. Ours is government which has spent tens of billions of dollars theoretically preparing our country for impending disasters. Ours is a government which has justified its hold on power by warning us that only this administration's leaders could keep America safe. But the administration was not up to the task. Nor was FEMA. Nor was the Department of Homeland Security. Our government failed. Until every aspect of our emergency response system is analyzed and reevaluated, this government will have a hard time finding its credibility in the debris.

I suggest that we should start trying to regain that credibility right here, today. This administration and this Congress and the agencies of this Federal bureaucracy concerned with emergencies like Katrina have a great debt to pay back to the American people. This Congress owes them more than a mere 40 minutes of consideration of the Nation's response to what is quickly becoming the worst national disaster in American history. We owe them more than to silence the voice of the American people on this floor. We owe America more than to intentionally prevent this body from crafting the very best hurricane recovery legislation that it can by refusing to allow any amendments to even be considered and by shutting out almost half of this House from any consideration of this bill.

□ 1030

And because this leadership does not want to lose a vote or have their ideas

challenged or suffer the indignity of disagreement in the people's House, we will not be able to do a thorough discussion today. It is the very mentality, the arrogance of this government, its unwillingness to allow accountability to be brought into the process which they have reduced to a game. They call it the blame game. It is not a game, Mr. Speaker; it is a tragedy. We cannot afford to go on like this, not even for one more day.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to be bringing forth to the floor today a rule that will permit the consideration of various pieces of legislation to continue to provide very needed assistance to those who are suffering as we speak.

As I mentioned before in my prior remarks, Mr. Speaker, there are four pieces of legislation that this rule that we will be voting on this morning authorizes consideration of: the national flood insurance program, assistance for that program; the Student Grant Hurricane and Disaster Relief Act, assistance for that program; the Temporary Assistance For Needy Families Emergency Response and Recovery Act, assistance for that program; and an emergency supplemental. Those four pieces of legislation, the rule that we are debating on at this time, are authorized to be debated by this House.

I wish to commend the two Senators from the State of Louisiana who, I was just able to read some of their joint statements, I think are demonstrating great responsibility in a spirit of bipartisanship. For example, the two Senators from Louisiana have stated, they say there will be ample time, and I agree with them, for Congress to thoroughly investigate the event.

They say, as well, and I also agree with them, that the focus now needs to be on food, on housing, on employment, on education and on health care, not on investigations. There will be plenty of time for this Congress, in its constitutional duty of oversight, to investigate. But I agree, as I say, with the Senators from Louisiana.

The focus now, and our focus in bringing forth authorizing consideration of the four pieces of legislation this morning, is on food, housing, employment, education and health care, assistance to those and for those who are suffering.

I see the Senators from Louisiana also made another point. In a joint bipartisan statement they say, please do not make the citizens of Louisiana victims once again by allowing our immediate needs to be delayed by partisanship.

Now, we do not want to delay assistance by partisanship or any other reason, and that is why we are bringing forth this rule. We have brought forth this rule to authorize consideration of four measures to take assistance, to

continue to make available assistance to those who are suffering at this time, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Rules Committee.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Democrat of the Rules Committee for the time.

Mr. Speaker, I rise today in support of the four bills which the House will consider today under suspension of the rules should this rule pass.

However, I also rise with great trepidation about the way in which the majority continues to run this body without regard for general order and procedure. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) said that he is proud to be bringing this rule under the suspension provisions. I would ask the gentleman whether or not in his conference all of the T's were crossed and the I's were dotted to bring a matter out, since in your conference and in our caucus we have a provision that as a general measure we will not bring a matter under suspension for more than \$100 million.

Under suspension of the rules, Members are afforded limited time for debate with zero opportunity to amend the legislation. When this rule passes, that is exactly what we will get. That is just wrong, regardless of the urgency of the legislation.

Mr. Speaker, this administration that is in charge of this Nation's negligence in responding to Hurricane Katrina strongly resembles the incompetence that Florida saw in the Federal emergency management organization last year. The Bush administration's refusal to accept responsibility for its inaction mirrors the arrogance that we continue to deal with today in Florida as we recover from last year's disastrous hurricane season.

Certainly our first priority has to be the rescue of those who are still alive and to provide them with housing, medical attention, food and water. However, as the Gulf Coast turns to the recovery and rebuilding process, the billions that Congress will spend will not be enough to fix the problems that exist within FEMA.

Based on my own personal experience dealing with Under Secretary Brown directly over the last year, I warn the Members of this body that the problems you see today are just the tip of the iceberg, as the gentlewoman from New York (Ms. SLAUGHTER) just said. And it has nothing to do with the magnitude of this awesome disaster.

My colleague says that he is proud. I wonder if my colleague from Florida is proud of the fact that \$1.5 billion from last year's hurricanes are still outstanding. I wonder if my colleague is

proud of the fact that his county, Dade, and my county, Broward, were denied Federal assistance from FEMA this year with this same Hurricane Katrina. I wonder if my colleague is proud of that fact that there are blue roofs in Florida where people's roofs are still not covered, and it does not even rise to the magnitude of what is going on in the Gulf Coast; but last year's FEMA problems are not corrected.

Inconsistency in FEMA regulations, constant reinterpretations of the Stafford Act, Federal officials treating local emergency operation centers like revolving doors, lack of coordination and FEMA's fluid and unclear chain of command are just a few of the many significant and real problems that Floridians dealt with last year and are still dealing with today.

I have literally begged the committee of jurisdiction in this body to hold hearings on these shortcomings. I even introduced bipartisan legislation in March with the gentleman from Florida (Mr. SHAW) to address a slew of institutional problems within FEMA that we experienced firsthand last year. Yet, every time we take our concerns to the committees, we are told it is not big enough as a problem to consider on its own.

Well, Mr. Speaker, is the problem big enough now? How many people must die in a disaster before something becomes a big enough problem in this Congress?

The new mantra that I hear from my colleagues in the majority is that there will be time to investigate. It is almost as if we cannot chew gum and walk at the same time. We must do what we are doing for the Gulf Coast, but we also must do what we have to as a responsibility in Congress in the nature of oversight.

Later today I will introduce legislation establishing an independent commission to examine the failures of the Federal Government in responding to Katrina, as well as evaluate our current ability to respond to any type of large-scale disaster, natural or man-made.

The President and congressional Republicans argue that we should not play the blame game because they may be in part to blame. Congress placing FEMA in the Department of Homeland Security and allowing the agency to operate completely unchecked helped create the disaster that we are in today. We created the problem, and now we need to fix it.

I question, however, whether there are enough in this body who have the courage to do what is right and not only criticize the administration, not only criticize local and State officials, criticize this Congress as well for our incompetence and inaction. But actually doing something is what is required. Accountability is the only way to restore integrity in a broken system, and an independent commission is the first step in repairing our disaster response system which we all now know is woefully inadequate.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud of the fact that the rule that we have brought forth this morning, and I reiterate that I am so, authorizes consideration by this House today of four legislative measures, four, to continue to increase assistance to those who are suffering pursuant to the destruction caused by that extraordinary tragedy in the Gulf Coast.

Four pieces of legislation are being brought forth today, are being authorized to be brought forth today with the rule that we are considering this morning. Yes, I am very proud of that, Mr. Speaker.

Now, I have questions as well. I have questions as well with regard to a number of Federal agencies, State agencies, local agencies as well in the Gulf Coast.

My wife was reminding me last night that on the Friday before this horrible storm hit the Gulf Coast, she saw the director of the National Hurricane Center on national television with the Governor of Florida, by the way. We had the Governor of Florida and our local officials speaking to us continuously before and at the time and after the hurricane passed through us in south Florida before it went into the Gulf and then gathered all that strength that bore down with such horrible power on the Gulf Coast. And she was reminding me that the director of the National Hurricane Center, this is Friday before the hurricane hit late Sunday night, early Monday morning, the Gulf Coast, said it is headed to the Gulf. It is going to pick up strength and it could hit, it is going to land anywhere from the Florida Panhandle to New Orleans.

Now, as I was discussing with my wife last night, when we had the four hurricanes in Florida last year, and this one in south Florida this year, immediately our local officials, the mayor, the county commissioners, the mayors and the Governor, the State officials, they were speaking to the populace and instructing people to leave, evacuating people. Five times we have done so in 1 year.

So, yes, I have questions as to why that was not done in Louisiana, why it was not ordered by the mayors and by the county commissioners and by the Governors. I have questions. Of course I have questions, Mr. Speaker. We all have questions, and those questions need to be addressed. And they will be addressed as we proceed with our oversight function, which is legally required.

But today what we need to do is to get help to the people who need the help, and that is what we are doing, Mr. Speaker. That is why we have brought forth the legislation to authorize consideration of four measures to take assistance to those in need. That is what we are debating this morning.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

□ 1045

Mr. OBEY. Mr. Speaker, last week I returned to Washington along with about 20 other Members of the House in order to assure passage of the initial down payment of \$10 billion for the victims of Hurricane Katrina.

Today we will be voting to provide \$52 billion more in aid. I am all for it. We will all vote for it. Any suggestion in any way that the delivery of that money would be delayed is pure nonsense. That money will be voted today.

But the problem we have is that the bill is being brought to the floor in a manner which prevents Congress from exercising any independent judgment whatsoever about how best to use taxpayers' money. And the problem is that the agency that we are appropriating most of the money to has demonstrated with great clarity that it is spectacularly dysfunctional; and there are a number of reasons for that.

The problem we have with FEMA is that what was an efficient, professional and qualified agency under James Witt during the Clinton administration has now once again become a dumping ground for political cronies.

Three years ago this Congress in the wake of 9/11 merged FEMA into a huge, new, gargantuan agency, the Department of Homeland Security. Since that time the White House, the Congress, and the Department of Homeland Security all together have squeezed the resources available for FEMA. They have hollowed out that agency and they have cut more than 500 people out of that agency.

To top it off, the President appointed to run that agency a gentleman who before he joined FEMA had no previous disaster experience whatsoever, and whose only apparent connection to the disaster world was that he was the college roommate of the former director of FEMA. We have seen the disastrous results of that appointment.

I want to provide the \$50 billion that the legislation is going to provide today, and I will vote for it and so will ever other sane Member of this House, I assume. But I deeply regret the fact that the manner in which this legislation is being brought to the floor today will prevent me or any other Member from taking an action which I think is essential to restore the professionalism of FEMA and to depoliticize that agency.

I wanted to offer an amendment to the bill which would have allowed the money to flow immediately, but which would have done five additional things. It would have restored FEMA status as an independent agency with no intervening bureaucracy between the White House and that agency, it would have reestablished the position of the FEMA director to one who reports directly to

the President, it would have required the FEMA director to have extensive experience in emergency or disaster-related management, it would have made that directorship confirmable for a specific 5-year term to reduce the likelihood of the position being used as political patronage of any President by any party, and it would have established a deputy director with primary responsibility to assure that a direct connection is retained with the Department of Homeland Security so that in the process of dealing with domestic disasters, we do not neglect our responsibilities to also protect the country against terrorism.

Our friends on the majority side of the aisle declined to allow us to have that vote.

I do not object to the majority saying "We do not believe that that is the right solution." or "We do not believe that this is the right time to discuss this." That is a legitimate position. But what we are asking for is to at least have the ability to debate that issue, to discuss that issue, because every day that we delay professionalizing FEMA and depoliticizing it is another day that taxpayers' money is being spent by an agency which has been demonstrated under these circumstances to be incompetent.

The President has a responsibility, each and every Member of this Congress has a personal responsibility to see to it that if we are going to provide \$50 billion today and another \$50 billion down the road, as we most surely will, we have a responsibility to know that that money is going to be spent in the most efficient, the most effective way to save lives, to rebuild communities. We cannot have that confidence under the existing management of this agency. And so I think we have an obligation to move as quickly as possible to fix the problem.

The amendment I would have offered would have given us 120 days to make those changes. I regret deeply the fact that we will not be able to at least discuss that matter on the floor today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again with regard to what we have brought forth this morning, a rule for consideration of four pieces of legislation to provide assistance and to increase the aid that is going to those who are in desperate need in the Gulf Coast area now due to the great catastrophe that has just been suffered, that is what we are doing. We are authorizing consideration of four pieces of legislation to increase assistance to those in need.

Now, last night in the Committee on Rules, Mr. Speaker, our friends on the other side of the aisle, the minority party, brought forth one amendment to the rule that we are considering this morning and that amendment called for what is known as an open rule. In other words, that any Member of this House could bring forth any and all

amendments that they may wish to do so, that they may have wished to do so with regard to any of the four pieces of legislation.

Now, I generally, Mr. Speaker, am for open rules. I think that is an appropriate goal and I think that we should, as much as possible, permit the free flow of debate on as many ideas as Members have. But if there has ever been a time when we could not, when we should not have an open rule which would permit, even if each of us only had one idea, and I think the Obey amendment is a very interesting one, he just explained it a few minutes ago, even if each of us had one idea in the form of an amendment like the one that was just explained by the gentleman from Wisconsin (Mr. OBEY), we would have 435 amendments, Mr. Speaker, to debate.

This is not the time to have 435 or 100 or 50 amendments. This is the time to bring forth legislation, a rule in this case to authorize consideration of four pieces of legislation to assist those in need.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I support the rule and the underlying bills. I would encourage FEMA to work with the Department of Education to utilize the Education for Homeless Children and Youth Program to meet the educational needs of all students displaced by this storm.

As we consider the rule and all of these bills, I think we have to remember the children. As part of the No Child Left Behind Act, the Education for Homeless Children and Youth Program requires that school districts immediately enroll homeless children. It provides children with much-needed stability and allows for the delivery of other critical services, including such things as health care and counseling.

The bill also addresses school transportation issues, assures that eligible children participate in Federal, State and local food programs, and allows for frequent moving as evacuated families find more permanent housing.

When we included this provision in No Child Left Behind we, frankly, never contemplated that it could be so useful and effective at this time of national crisis. We have happily discovered over recent days that this measure has provided a ready-made system of communication and contacts and information networks that could serve us well in this time of need.

The program also contains a funding structure that efficiently distributes Federal dollars to the local level. Utilizing the Education for Homeless Children and Youth Program would save time, money and allow more Federal dollars to flow more quickly to the areas in need. This program provides a tried and tested framework for States and school districts to meet the immediate educational and social service needs of homeless children displaced by Hurricane Katrina.

Encouraging FEMA and the Department of Education to utilize this program to coordinate relief efforts is a commonsense step that can quickly and dramatically improve assistance to displaced children.

I would urge support for the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security and a victim himself.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this rule. Twenty minutes per side is not enough to argue a catastrophe of this size. The rule does not allow any amendments from our side. A number of Democratic districts have been affected, those of the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Alabama (Mr. DAVIS), and the gentleman from Louisiana (Mr. JEFFERSON), as well as myself. We do not have an opportunity for input into what relief opportunities we can give in our districts.

This is not right. If this is a democracy, we ought to have an opportunity to participate in providing for the relief of our particular districts.

The Republican side has taken a position that Democratic input is not needed. This is not the way to go. This is a democracy. We need a rule that allows for the maximum input from both sides.

I am sorry to say that even in this time of devastation, our Republican colleagues have decided that America should not pull together and work for the common good. Unfortunately, the people of Mississippi, Alabama and Louisiana are the ones who will suffer because of this lack of total input from Members of Congress.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important that we realize that in the same fashion in which last week's supplemental legislation was considered under a unanimous consent request, it is the hope and wish of the majority leadership that the next supplemental bill also be considered in that way under unanimous consent.

With regard to additional time for debate or other matters, that could be obviously worked into a unanimous consent agreement like the one that brought forth and permitted debate and permitted passage of the first supplemental.

□ 1100

So what we are voting on today, the rule does not preclude that. On the contrary, as I say, it is the wish of the majority leadership to continue to engage in dialogue and hopefully have a unanimous consent agreement. I wanted to make that clear because sometimes I think the facts are important to be made clear.

Mr. Speaker, we reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this bill.

Mr. Speaker, I have come to the floor of this House repeatedly over recent years using this specific example of New Orleans as a call to arms to change how we do business. I cannot tell my colleagues how disappointed I am that we are having before us today a proposal that does not provide an opportunity for this Chamber to adequately discuss what is at stake and to deal with opportunities.

The devastation of Hurricane Katrina has presented us with an unprecedented opportunity to focus the spotlight of public attention and political concern on how to do not just the best job of helping the victims of this tragic storm but in making it less likely that others suffer needlessly in the future. Preventing future devastation is the best way to honor the memory of thousands who have died and respect the losses of hundreds of thousands or more who are living.

But we are not going to have the opportunity now to come forward with important issues that bear on over \$50 billion. We need to be debating how the Federal Government can use taxpayer dollars to put people, places, and property back in harm's way. We should be working to make sure that citizens are directly engaged in the work of disaster recovery and mitigation, planning the future of their communities and putting them to work immediately, the same way I saw when I was in the tsunami region earlier this year. In just 1 week we were already putting tsunami victims to work on a cash-for-work program restoring their communities.

We need to clarify the role that the Federal Government is going to play in disaster prevention, mitigation, and relief because we are throwing billions of dollars at problems that we could have taken steps to minimize in the beginning. Congress should encourage and support State and local responsibility for disaster prevention, mitigation, and recovery; and we must employ natural solutions wherever possible.

We cannot do that today. There is no reason that we are not able to have a rational discussion. I hope this is the last time the Committee on Rules treats us this way.

Mr. LINCOLN DIAZ-BALART of Florida. Yielding myself such time as I may consume, Mr. Speaker, we will have time for any and all of the measures that are brought forth if this rule passes, under authorization of this rule, for rational and any other kind of debate. I can assure my colleagues of that, Mr. Speaker.

Mr. Speaker, we reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from New York for yielding time.

Mr. Speaker, our most important task right now is to help our fellow Americans rebuild their lives. The task of this Congress and the task for this Nation is to restore communities, help people rebuild their lives and have a retrospection of what happened. We must pinpoint the errors made prior to the storm and flooding. Failing to respond in a time of need, when fellow Americans have lost their lives, their loved ones, their homes, failing to respond in a time of need is unacceptable.

Identifying failures is not pointing fingers. It is pointing the way to improve the system for the future. We cannot solve a problem if we do not think we had a problem. We can both help Americans, which is our primary task, rebuild their lives, reestablish their communities, but we must also for all Americans understand what happened here so as it comes to future crises, future natural disasters, we are able and capable of responding. Because saying everything worked well, acting Pollyannish is unacceptable, as much as trying to point fingers and trying to get political advantage in this situation.

We can do this right. The American people ask the Congress to do this right.

What does it mean to help people rebuild their lives? First, there should be universal health care for all children 0 to 18. Second, a \$3,000 education voucher for people going to college, GED, continuing their education. A housing program to get people in the communities back to work building their homes, highways and rebuilding all the infrastructure. Lastly, making sure the recently enacted bankruptcy law does not affect people in that area, freezing their credit at that time so they do not go into bankruptcy.

These are the types of things that Congress needs to do to help those Americans, our fellow Americans, get their lives and their communities back together and also taking the time to look into what happened here so this never, ever, ever happens again.

The American people deserve better; and in a time of crisis, they look to their fellow countrymen and their government, and this Congress must rise to the task to do that. Today, the way this is handled is not the right way. We can do better as we seek ideas from all corners to help our fellow Americans restore their lives.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are considering today, or authorizing consideration, bringing forth today under this rule, the national flood insurance program, assistance for that program for those in need in the

Gulf; the Student Grant Hurricane and Disaster Relief Act, assistance for the people in the Gulf with regard to student grants and disaster relief; the Temporary Assistance for Needy Families Emergency Response and Recovery Act, assistance for those in need under this act, under that law, with that program, through that program.

We are bringing those measures, those specific measures to the floor today, in addition to a significant and substantial supplemental appropriations bill to get aid immediately to those in need.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. BISHOP), my distinguished friend and colleague from the Committee on Rules.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend, the gentleman from Florida, for yielding such time right now.

This is obviously a time of great emotional sadness for all of us, as we are attempting to help fellow Americans who are in a special need, a special time of need. It is a trying time; and, hopefully, it is one where we can keep focus on the true issue, which is how to get emergency relief as quickly as possible to people who desperately need it.

The rule that is being proposed here, and sometimes in our rhetoric on these rules we kind of go far afield from what the issue is, the issue is still the rule, does not prevent any kind of unanimous consent for more time for more issues to be raised at such time in the future, but it does provide a backup to guarantee that the issue at the end of this day will be decided and that relief money can be moved on without any kind of impediments or Congress trying to add extraneous issues to the debate or discussion, unless there is unanimous consent, obviously, for that.

There is precedent for what we are doing. This is not unusual. It has been done before. It will be done again in the future. It does, though, try to state that there is a time and a place for everything that we do. There is a time to try and pass emergency relief and get that relief moving as quickly as possible, to really hit what is human suffering.

This particular request deals with temporary assistance. It deals with providing temporary housing, money for home repairs, medical, dental costs, repair work, cleanup, ensuring that the firemen get their pay. It is emergency equipment.

Much of the discussion we have heard this morning deals with long-range policy issues. I am not saying they are bad, because that policy discussion needs to take place. It should take place. We need to determine what the city of New Orleans did well and what it did poorly; what the State of Louisiana did well, what it did poorly; what the Federal Government did well. We even need to discuss what the United States Congress has done well and poorly in this particular issue.

But those need to be discussed with dispassion in some way so that when we make broad policy decisions, those broad policy decisions can be made with a clear conscience and clear focus on what the issue really is. That takes regular order, and for some who would like to bypass regular order to quickly pass some of these, we are doing a disservice to long-term policy discussions.

The senior member of the Committee on Appropriations from Wisconsin is someone I have enjoyed listening to. He oftentimes will say those things which ring true. What he wants to discuss is significant, but it needs to be done in the regular order, not on top of this emergency bill; and I am sure that will take place.

Mr. Speaker, I would also be remiss if I did not take this opportunity just to say a few things that are positive. Though I do not know what has been happening throughout the entire world, I do know what has been happening in my backyard of Utah where some of these evacuees are presently residing. I guess the State of Utah took the Jazz; we should also take some of the evacuees at the same time.

In addition to those evacuees who are in my State, the State of Utah is also stepping up. There are in the State of Utah 475 volunteers who have been working since Saturday with these evacuees. They have done everything from having a child care center on site, to providing 6,000 meals, to even having a volunteer life guard manning the pool at the base at which these evacuees are staying. \$2 million since Saturday have been donated in Salt Lake City as well; 7,000 people have called asking what they can do. Some of them have been very creative in what they are trying to do.

A Ronna Guidara who lives in Salt Lake City, and actually in Draper, went down there and took trips from the military base where the evacuees are staying into Salt Lake City for sightseeing, for shopping trips.

Steve Gordon had the idea of actually providing as many tickets as he can get to go to the Utah-Utah State game. It may not be what they necessarily wanted to see that Saturday, but it is the best game in town that we have to offer.

People are stepping up from their hearts for this disaster. It is also time for Congress to step up with their hearts and provide the temporary relief, and then use our minds to go back and discuss the policy issues and policy initiatives, but go through the regular order so that we do not jump to conclusions, we do not make mistakes as we go through.

All of these discussions are important, they are there, but the rule at hand is to get emergency relief on the floor to help people right now, and we should not lose sight of that in our efforts to try to expand it into other areas, legitimate discussion areas, but other areas that do not pertain specifically to this point at hand as to how we

get that \$50 billion to help people right here right now.

With that, Mr. Speaker, I appreciate the gentleman's indulgence. I appreciate the time. I support this rule because it is the right thing to do to help people right now and put everything in its proper perspective.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this Labor Day weekend I flew from Seattle to Houston to join thousands of Texans to volunteer in the Astrodome to help these evacuees, and there I met an incredible family with such courage and grace, trying to keep their family together on the floor of the Astrodome.

A woman named Penny told me that her mother named Alice was trapped at a specific address on Bell Street in New Orleans, and I pitched in to try to help to get her rescued. For 3 days, the most powerful Nation in the world was incapable of going to a specific address on Bell Street and rescuing this 80-year-old lady named Alice.

While that was going on, a lot of the lower level FEMA people were working hard to effectuate that, but they were handicapped by a lack of senior leadership, senior leadership who failed to anticipate the breaching of the levees; senior leadership who failed to call for help, who waited 5 hours to call for help after landfall of the hurricane; senior leadership that allowed FEMA's job to protect us from hurricanes to be totally overwhelmed by the responsibility regarding terrorism.

This senior leadership led me to conclude, and millions of Americans to conclude, that we cannot have confidence in senior leadership at FEMA today. This is not a matter of finger-pointing or accountability. It is a matter of whether we have confidence in dealing with the next hurricane that is getting ready in the Atlantic Ocean right now. This is the middle. I heard one person say this is the third inning of a nine inning game of the hurricane season. We have to get this problem fixed now.

After the debacle at Pearl Harbor, America did not wait until the end of World War II to fix the problem that led us to be caught with our pants down at Pearl Harbor with such fatality, and we have suffered probably more fatalities here than we did at Pearl Harbor.

We need, on a bipartisan basis, to fix this problem now; and we need to help the President do that because of his attitude of saying, Brownie, you did a great job, it just will not wash with the American people. It is a shame that this rule will not allow Americans to get what they deserve, a working FEMA.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman



from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule for a very obvious reason. It is absolutely essential that we do everything that we can at this moment to ensure that our fellow Americans who are in desperate need have that need met.

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What is it we hope to do under this suspension rule? We want to make sure we provide for flexibility when it comes to the flood insurance program. That seems to me to be a strong bipartisan priority that we have.

What else do we want to do? We want to ensure that education assistance for non-Pell grant recipients gets to them.

What else do we want to do? One of the very important programs, the TANF program, Temporary Assistance to Needy Families, we want to make sure we can expedite that aid to these people who have been victimized by this storm just as quickly as we possibly can.

Mr. Speaker, a vote against this rule is in fact a vote which would deny us the opportunity to move as quickly as possible to provide that kind of aid relief.

Now, I know there is a lot of discussion over what it is that we will see for the structure for debate during consideration of this large, multibillion dollar supplemental appropriations bill. Nothing in this rule whatsoever, nothing in this rule whatsoever, Mr. Speaker, will in any way impinge on the ability of the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), from striking a unanimous consent agreement that would allow for an extension of debate as they consider that appropriations bill.

We all know how imperative it is that we act as quickly as we possibly can to not only address the three items that I mentioned, but to get the aid to those who need it on the dollar level. Why? Because we know it is quite possible that just this evening, as early as this evening, we could see the \$10.5 billion that we, under a unanimous consent agreement appropriated at the end of last week, run out. And we do not want that to run out. We want to make sure that that continued flow of assistance can flow in as expeditiously as possible. The responsible thing is for us to come together in this time of crisis.

This Sunday marks the fourth anniversary of September 11. Tragically, 3,000 lives were lost in New York City, in Pennsylvania, and here in the metropolitan area. The projections are that as many as three times as many people, maybe even more than that, have lost their lives in this horrible crisis that we have seen take place in

Louisiana and Mississippi. Now, Mr. Speaker, I believe that what we should do is just as we did following September 11 of 2001. We should come together, pass this rule with strong bipartisan support, move ahead with this appropriations bill, and, yes, work on a bipartisan unanimous consent agreement that will allow an extension of debate so that every Member who wants to have an opportunity to be heard on this can be heard. But do not vote "no" and impinge on our ability to meet this very important need.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to note that we would be happy to come together if the Republicans will just tell the Democrats where the meeting is.

Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I would suggest to the chairman of the Committee on Rules that more time for words would be great, but what would be better would be action by this Congress to fix a dysfunctional Federal Emergency Management Agency. Dysfunctional at the top, not at the bottom. People at the bottom want to get out there. The first responders want to be out there. They still do not have effective interoperable communications 4 years after 9/11.

Given the befuddled response at the top, I am not confident that this \$51.8 billion we are going to borrow, indebting a generation of Americans of probably another \$100 billion or \$200 billion, will be well and effectively spent and get the relief and the rescue efforts and the rebuilding efforts to the people and the communities that are devastated.

We are not putting in place oversight and protection against crisis profiteering. We are not trying to improve the agency. It is the middle of a hurricane season. What if there is another tomorrow or next week? Will the terrorists wait until we are done with our natural disasters? No. We need to begin the review and oversight now. They say, Oh, you cannot do that in the middle of a crisis.

What is the greatest crisis this country has experienced in the last 100 years? I think it might have been World War II. In the middle of World War II, Harry Truman chaired a committee investigating war profiteering under FDR, the greatest President of the last century, and reforms were put in place. Congress did its job.

We need to improve FEMA. We need a better response. The first responders need better tools. The people that have been affected need effective relief, they need compassion, and they need assistance. Shoveling money at them and more words will not do it. We need to make some changes, and you are not going to allow any changes or any amendments here on this floor today, but you will allow us a few more words. We might get up to \$1 billion a minute instead of \$1.2 billion a minute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

What we are doing today, Mr. Speaker, is not shoving words down anybody. We are authorizing consideration for this House to pass assistance for the National Flood Insurance program, the Student Grant Hurricane and Disaster Relief Act, the Temporary Assistance for Needy Families Emergency Response and Recovery Act, and an emergency supplemental bill to continue the assistance to those in dreadful need as we speak.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I will be asking Members to vote "no" on the previous question. If it is defeated, I will amend the rule to allow the House to consider an amendment by the gentleman from Wisconsin (Mr. OBEY) to the emergency supplemental bill to reestablish the Federal Emergency Management Agency as a freestanding independent agency.

An amendment would do a number of important things to fix the problems with FEMA. It will reestablish it as an independent agency, allow the director to report directly to the President, require the director to have emergency response experience, limit the director's term to 5 years, and establish a deputy director for disaster relief.

Mr. Speaker, I know all of us in the House were truly stunned and horrified by the terrible and heartbreaking scenes from New Orleans and the other Gulf Coast States that unfolded last week. And to make matters even worse was the failure on the part of the White House and the lead Federal agency on disaster relief to take immediate action that might have saved hundreds of lives and alleviated the immense and immeasurable suffering that was inflicted on so many of our fellow Americans.

Members should be aware that a "no" vote will not in any way prevent the House from considering and approving the desperately needed supplemental for the victims of Hurricane Katrina. We all agree hurricane relief must happen immediately and it will happen today, but a "no" vote will let us debate the serious and urgent matter regarding FEMA's future ability to respond immediately and responsibly to any disaster that occurs on our soil so that we may never see such a thing again as we have witnessed with FEMA's work.

I urge Members to vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank all of our colleagues who have debated this important issue this morning.

I would like again to also thank the two Senators from Louisiana, Senators LANDRIEU and VITTER for their joint bipartisan statement where they say that Congress will have ample time to thoroughly investigate this event and that they plan, as many of us do, to play a major role in those important investigations, but they continue saying, please do not make the citizens of Louisiana a victim once again by allowing our immediate needs to be delayed by partisanship.

Now, we have heard a number of ideas today brought forth, really for sweeping policy changes. They definitely should be considered. And perhaps many of those ideas will become law. But today what we need to do is what we are doing. We are getting the assistance and we are increasing it to those who are in desperate need.

So, Mr. Speaker, I would urge my colleagues to support this rule that brings forth four pieces of assistance, legislation for assistance to those in desperate need, and would also urge, obviously, favorable consideration of the underlying pieces of legislation that we are authorizing being considered today.

Mr. LEVIN. Mr. Speaker, I rise in support of the emergency funding bill that the House will consider later today to continue relief and recovery operations in the aftermath of Hurricane Katrina. We need to approve this measure today with all deliberate speed. I do object to the procedure in which the House will take up this emergency measure, which provides just 40 minutes to debate a \$51 billion appropriation, with no amendments allowed.

I urge the House to reject this procedure and allow Representative OBEY to offer an amendment to strengthen the Federal Emergency Management Agency and re-establish FEMA as a separate, independent agency whose Director reports directly to the President. The Obey amendment would also require that the Director of FEMA have extensive experience in emergency and disaster-related management. The amendment is very similar to the legislation introduced earlier this week by my colleague, Representative DINGELL, which was cosponsored by myself and 64 other members of the House. This is a proposal that should enjoy bipartisan support, since I note that Representative FOLEY and other Republican members have introduced similar legislation.

Let me speak candidly. The response of the federal government to Hurricane Katrina was woefully inadequate. Four years after 9-11, the federal government was not ready to respond to a national catastrophe that has left a major American city uninhabitable. In the weeks and months ahead, we need an investigation of why the federal government's response fell so far short of the mark, and we need accountability. One thing is already clear: the federal agency with lead responsibility for responding to national disasters—FEMA—has lost its way since it was trans-

ferred to the Department of Homeland Security. This is simply not the same agency that responded so effectively to the Oklahoma City bombing in 1995. Since being transferred to the Department of Homeland Security in 2001, FEMA's ability to respond to natural disasters has been eroded.

I believe we need to restore FEMA's status as an independent agency. In addition, the Director of FEMA should be an experienced professional in areas of emergency management, and not the former head of the International Arabian Horse Association with no previous background in disaster relief.

I urge my colleagues to vote to allow Representative OBEY the opportunity to offer his amendment. The next natural disaster could happen next week, and we need to restore FEMA's ability to respond to it. I also ask all my colleagues to join me in voting for the underlying bill.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution add the following new sections:

SEC. 2. The amendment specified in section 3 shall be in order at any time during the consideration of a motion to suspend the rules and pass H.R. 3673. Such amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. All points of order against such amendment are waived.

SEC. 3. The amendment by Representative OBEY referred to in Section 2 is as follows:

AMENDMENT TO H.R. \_\_\_\_\_, AS REPORTED  
OFFERED BY MR. OBEY OF WISCONSIN

At the end of the bill, insert before the section containing the short title the following:

SEC. \_\_\_\_ **FEDERAL EMERGENCY MANAGEMENT AGENCY.**

(a) **INDEPENDENT ESTABLISHMENT.**—The Federal Emergency Management Agency shall be an independent establishment in the executive branch.

(b) **DIRECTOR.**—

(1) **IN GENERAL.**—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the President. The Director of the Federal Emergency Management Agency shall be compensated at the rate provided for at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) **QUALIFICATIONS.**—The Director of the Federal Emergency Management Agency shall be appointed from among persons who have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) **TERM OF OFFICE.**—The term of office of an individual appointed as the Director shall be 5 years.

(c) **DEPUTY DIRECTOR.**—

(1) **IN GENERAL.**—There shall be in the Federal Emergency Management Agency one Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall be compensated at the rate provided for at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) **QUALIFICATIONS.**—The Deputy Director shall be appointed from among persons who have extensive background in disaster response and disaster preparedness.

(3) **RESPONSIBILITIES.**—Subject to the direction and control of the Director of the Fed-

eral Emergency Management Agency, the Deputy Director shall have primary responsibility within the Agency for natural disasters and non-natural disasters, including large-scale terrorist attacks.

(d) **TRANSFER OF FUNCTIONS.**—There shall be transferred to the Director of the Federal Emergency Management Agency—

(1) the functions (including the functions under paragraphs (3) and (8) of section 430(c) of the Homeland Security Act of 2002 (6 U.S.C. 238(c)), personnel, assets, and liabilities of the Department of Homeland Security relating to the Federal Emergency Management Agency; and

(2) the functions of the Department of Homeland Security under sections 502 (other than paragraph (2)) and 503(1) of the Homeland Security Act of 2002 (6 U.S.C. 312, 313), and the personnel, assets, and liabilities of the Department relating to such functions.

(e) **TRANSITION PERIOD.**—The transfers under this section shall be carried out as soon as practicable, but no later than the 120th day following the date of enactment of this section. During the transition period, the Secretary of Homeland Security shall provide to the Director of the Federal Emergency Management Agency such assistance, including the use of personnel and assets, as the Director may request in preparing for the transfer.

(f) **PERSONNEL PROVISIONS.**—

(1) **APPOINTMENTS.**—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this section. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) **EXPERTS AND CONSULTANTS.**—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(g) **DELEGATION AND ASSIGNMENT.**—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this section and any function transferred or granted to such Director after the effective date of this section to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this section shall relieve such Director of responsibility for the administration of such functions.

(h) **REORGANIZATION.**—The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 201 among



the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency, as may be necessary or appropriate.

(i) **RULES.**—The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

(j) **TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(k) **INCIDENTAL TRANSFERS.**—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(l) **EFFECT ON PERSONNEL.**—

(1) **IN GENERAL.**—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this section.

(2) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(m) **SAVINGS PROVISIONS.**—

(1) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in

the performance of functions which are transferred under this section, and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) **PROCEEDINGS NOT AFFECTED.**—The provisions of this section shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) **SUITS NOT AFFECTED.**—The provisions of this section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this section.

(5) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this section may be continued by the Federal Emergency Management Agency with the same effect as if this section had not been enacted.

(n) **REFERENCES.**—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this section—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

(o) **CONFORMING AMENDMENTS AND REPEALS.**—

(1) **HOMELAND SECURITY ACT OF 2002.**—

(A) **SECTION 504.**—Section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended by striking “, major disaster,”.

(B) **REPEALS.**—The following provisions of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) are repealed:

(i) Section 2(11).

(ii) Section 503(1).

(iii) Section 507.

(iv) Section 508.

(2) **TITLE 5, UNITED STATES CODE.**—

(A) **DIRECTOR.**—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

\* \* \* \* \*

(B) **DEPUTY DIRECTOR.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

\* \* \* \* \*

(3) **ADDITIONAL CONFORMING AMENDMENTS.**—

(A) **RECOMMENDED LEGISLATION.**—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(B) **SUBMISSION TO CONGRESS.**—Not later than 6 months after the effective date of this section, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

(p) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the primary mission of the Department of Homeland Security set forth in subparagraphs (A), (B), (E), (F), (G), and (H) of section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 193, not voting 19, as follows:

[Roll No. 458]

YEAS—221

Aderholt	Boozman	Crenshaw
Akin	Boustany	Culberson
Alexander	Bradley (NH)	Cunningham
Bachus	Brown (SC)	Davis (KY)
Barrett (SC)	Brown-Waite,	Davis, Jo Ann
Bartlett (MD)	Ginny	Davis, Tom
Barton (TX)	Burgess	Deal (GA)
Bass	Burton (IN)	DeLay
Beauprez	Calvert	Dent
Biggart	Camp	Diaz-Balart, L.
Bilirakis	Cannon	Diaz-Balart, M.
Bishop (UT)	Cantor	Doolittle
Blackburn	Capito	Drake
Blunt	Carter	Dreier
Boehlert	Castle	Duncan
Boehner	Chabot	Ehlers
Bonilla	Chocola	English (PA)
Bonner	Coble	Everett
Bono	Cole (OK)	Feeney

Abercrombie	Dingell	Larsen (WA)
Ackerman	Doggett	Larson (CT)
Allen	Doyle	Lee
Andrews	Emanuel	Levin
Baca	Engel	Lewis (GA)
Baird	Etheridge	Lipinski
Baldwin	Evans	Lofgren, Zoe
Barrow	Farr	Lowe
Bean	Fattah	Markey
Becerra	Filner	Marshall
Berman	Flake	Matheson
Berry	Ford	Matsui
Bishop (GA)	Frank (MA)	McCarthy
Bishop (NY)	Gordon	McCollum (MN)
Blumenauer	Green, Al	McDermott
Boren	Green, Gene	McGovern
Boucher	Grijalva	McKinney
Boyd	Gutierrez	McNulty
Brady (PA)	Harman	Meehan
Brown (OH)	Hastings (FL)	Meek (FL)
Brown, Corrine	Hereth	Meeks (NY)
Capps	Higgins	Michaud
Capuano	Hinche	Millender-
Carnahan	Hinojosa	McDonald
Carson	Holden	Miller (NC)
Case	Holt	Miller, George
Clay	Honda	Mollohan
Cleaver	Hooley	Moore (WI)
Clyburn	Hoyer	Moran (VA)
Conyers	Inslee	Murtha
Cooper	Israel	Nadler
Costa	Jackson (IL)	Neal (MA)
Costello	Jackson-Lee	Obey
Cramer	(TX)	Ortiz
Crowley	Jefferson	Owens
Cuellar	Johnson, E. B.	Pallone
Cummings	Jones (OH)	Pascrell
Davis (AL)	Kanjorski	Pastor
Davis (CA)	Kaptur	Payne
Davis (IL)	Kennedy (RI)	Pelosi
Davis (TN)	Kildee	Peterson (MN)
DeFazio	Kilpatrick (MI)	Pomeroy
DeGette	Kind	Price (NC)
Delahunt	Kucinich	Rahall
DeLauro	Lantos	Rangel

Reyes  
 Ross  
 Rothman  
 Roybal-Allard  
 Rush  
 Ryan (OH)  
 Sabo  
 Salazar  
 Sánchez, Linda  
 T.  
 Sanders  
 Schakowsky  
 Schiff  
 Schwartz (PA)  
 Scott (GA)  
 Scott (VA)

Serrano  
 Sherman  
 Skelton  
 Slaughter  
 Smith (WA)  
 Snyder  
 Solis  
 Spratt  
 Stark  
 Strickland  
 Stupak  
 Tancredo  
 Tanner  
 Tauscher  
 Thompson (CA)  
 Thompson (MS)

Tierney  
 Towns  
 Udall (CO)  
 Udall (NM)  
 Van Hollen  
 Velázquez  
 Vislosky  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Wexler  
 Woolsey  
 Wu

## NOT VOTING—19

Baker  
 Berkley  
 Brady (TX)  
 Butterfield  
 Buyer  
 Conaway  
 Cubin

Emerson  
 Hyde  
 Maloney  
 McCrery  
 Melancon  
 Napolitano  
 Oberstar

Oliver  
 Sanchez, Loretta  
 Taylor (MS)  
 Weiner  
 Young (AK)

□ 1156

Mr. RAHALL and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no."

Mr. LANGEVIN changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL FLOOD INSURANCE  
PROGRAM ENHANCED BORROWING  
AUTHORITY ACT OF 2005

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The Clerk read as follows:

H.R. 3669

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Enhanced Borrowing Authority Act of 2005".

## SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by inserting before the period at the end the following: "; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '\$3,500,000,000' for '\$1,500,000,000'".

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to the rule, the gentleman from Ohio (Mr.

NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 3669, the National Flood Insurance Program Enhanced Borrowing Authority Act of 2005.

This is an important bill. This legislation increases FEMA's borrowing authority for flood insurance by \$2 billion and will go a long way in helping the Department's flood insurance response. This bill will ensure the program has sufficient funding on a cash basis in the short term. It will also allow FEMA to continue payment of the initial claims resulting from Hurricane Katrina while the administration further evaluates the extent of the damage and the most appropriate means to cover all potential claims.

□ 1200

In the aftermath of Hurricane Katrina, the Federal and local governments now face the Herculean task of coordinating the relocation of thousands upon thousands of individuals and families whose lives have been torn apart by devastation and rising floodwaters.

There are more than 78,000 people now in shelters who will be requiring short-term and long-term-range housing solutions. In fact, today we had a roundtable with the gentleman from North Carolina (Mr. MILLER) and the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from California (Ms. WATERS), and this very issue was talked about and the magnitude of it and the importance of it and the urgency of it.

In addition, it has been estimated that up to 360,000 residential mortgages could be negatively affected by the damage caused by the hurricane across the gulf region. Conservative estimates on residential and commercial property damage are in the range of \$20 billion.

Floods have been and continue to be one of the most destructive and most costly natural hazards to our Nation. During this past year alone, there have been three major floods in my area in Ohio. All three of these incidents qualified for Federal relief, granted by the President. Recent flooding in January this year resulted in historic levels in several local dams, and in Tuscarawas County, a community I represent, 7,000 people were displaced and forced to evacuate. So I have witnessed firsthand what floods can do. But I will tell my colleagues that, of course, the magnitude of what is going on down south is beyond belief.

Last Congress, the Committee on Financial Services spent considerable time and effort on legislation to reauthorize and reform the National Flood Insurance Program. On June 30, 2004, President Bush signed into law the

Flood Insurance Reform Act. This legislation reauthorizes the National Flood Insurance Program, NFIP, through September 2008.

The major goal of the Flood Insurance Reform Act last Congress was to reauthorize and reform the program with an eye toward maintaining the financial viability of the NFIP. While some provisions were included to address administrative and procedural concerns regarding it, we did not focus on issues that were procedural in nature such as the filing of claims, the timeliness of response to the claims filing, policyholder education, and insurance agent sales and training. Consequently, the Subcommittee on Housing and Community Opportunity has continued to review the National Flood Insurance Program in an effort to determine what changes need to be made to address the program's shortcomings.

In addition to a request for a GAO study, our subcommittee has conducted three hearings this year on this important program, including a field hearing 2 weeks ago in rural Ohio. As the damage assessments and insurance claims begin to come in from the gulf coast region, we will be continuing our oversight of the NFIP and to look for possible legislative solutions that make this program as efficient and responsive as it can be.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred to this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market. Clearly, we need to continue our review of this program and to take steps to make sure it is meeting the needs of those for whom it was intended.

In times like these, it is more important than ever for Americans to stand united in helping our fellow citizens. The House of Representatives will continue to stand with the people of the gulf coast and our colleagues who represent those areas throughout this effort, and we encourage Americans who want to help to contact charitable organizations in their areas.

America has overcome challenges in the past. As Members of the House and, specifically, the Committee on Financial Services, we are prepared to roll up our sleeves and do the hard work to overcome this tragedy. Increasing FEMA's borrowing authority for the National Flood Insurance Program is just one step in the process of helping those who have been affected by Katrina's waters.

I would like to thank the gentleman from Ohio (Chairman OXLEY) for his expeditious work in sending this bill to the floor. I would also like to thank the gentleman from Louisiana (Chairman BAKER), the gentlewoman from California (Ms. WATERS), the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the gentleman from Alabama (Mr. DAVIS), and especially